

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MARTIN P. DILLON**

**Plaintiff,**

**1:14-cv-1011  
(GLS/DJS)**

**v.**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Office of Peter M. Margolius  
7 Howard Street  
Catskill, New York 12414

PETER M. MARGOLIUS, ESQ.

**FOR THE DEFENDANT:**

HON. RICHARD S. HARTUNIAN  
United States Attorney  
100 South Clinton Street  
Syracuse, NY 13261

JEREMY A. LINDEN  
Special Assistant U.S. Attorney

Steven P. Conte  
Regional Chief Counsel  
Social Security Administration  
Office of General Counsel, Region II  
26 Federal Plaza, Room 3904  
New York, NY 10278

**Gary L. Sharpe  
District Judge**

## **ORDER**

The above-captioned matter comes to this court following a Report and Recommendation by Magistrate Judge Daniel J. Stewart, duly filed on October 21, 2015. (Dkt. No. 17.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

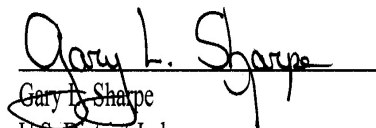
**ORDERED** that the Report and Recommendation (Dkt. No. 17) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the decision of the Commissioner is **AFFIRMED** and Dillon's complaint, (Dkt. No. 1), is **DISMISSED**; and it is further

**ORDERED** that the clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

**IT IS SO ORDERED.**

November 18, 2015  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge